IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.6971 of 1998

Dated: 31-01-2007

Between:

T. Vittal Singh, s/o Tuljaram Singh,
aged about 57 years, business,
r/o Tandur,
Tandur Mandal,
Ranga Reddy District.

... Petitioner

and

1. Commissioner, Municipal Council, Tandur,
   Tandur Mandal,
   Ranga Reddy District and another.

... Respondents

ORDER:

This petition is filed seeking *mandamus* declaring the action of the respondents 1 and 2 in laying drainage line in petitioners land measuring approximately Ac.0-30 guntas in Sy.No.138, situated at Tandur town without initiating any proceedings under law, as arbitrary and

illegal.

2. It is the case of the petitioners that they are the absolute owners of the land measuring Ac.2-10 guntas out of Sy.No.138 situated at Tandur and in between the said land there is 66' P.W.D. road. It is stated that P.W.D and Revenue authorities with a view to widen the existing 66' road into 100' made markings on either side of the road by 17' each in 1997.

3. The grievance of the petitioner is that on account of the proposed expansion of the existing road from 66' to 100' an extent of Ac.0-30 guntas out of Sy.No.138 belongs to him is being affected.

4. This Court on 18-03-1998 while issuing *Rule nisi,* in WPMP. No.8507 of 1998, granted interim stay of all further proceedings including the drainage line through the petitioners land on either side of the road measuring approximately Ac.0-30 guntas in Sy.No.138 situated at Tandur town, Ranga Reddy District pending disposal of the writ petition. Despite the fact that the notices were served on the respondents' long back, they have not chosen to file any counter affidavits.

5. Having heard learned counsel for the petitioner, this Court is of the view that the writ petition can as well be disposed of with a direction to the respondents to follow the procedure in accordance with law while laying drainage line in the lands belonging to the petitioner.

6. Accordingly, the writ petition is disposed of

directing the respondents to follow the procedure in accordance with law, while laying drainage line in the lands belonging to the petitioner. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.31-01-2007
GLV